Summer Village of Whispering Hills Land Use Bylaw No.9

Summer Village of Whispering Hills
Land Use Bylaw No. 9
1984

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MUNICIPAL AFFAIRS

SUMMER VILLAGE OF WHISPERING HILLS

PROVINCE OF ALBERTA

LAND USE BYLAW NO. 9

WHEREAS the Planning Act, R.S.A. 1980, and amendments thereto authorize the council of a municipality to enact a land use bylaw to regulate and control the use and development of land and buildings within the municipality,

AND WHEREAS the Council of the Summer Village of Whispering Hills deems it desireable to adopt a land use bylaw,

NOW THEREFORE, the Summer Village of Whispering Hills repeals Land Use Bylaw No. 25-1980 and amendments thereto and adopts this as the Summer Village of Whispering Hills Land Use Bylaw.

READ A FIRST TIME THE 14 DAY OF MARCH, 1984.

READ A SECOND TIME THE 8 DAY OF MAY, 1984.

READ A THIRD AND FINAL TIME THIS 8 DAY OF MAY, 1984.

MAYOR

MUNICIPAL ADMINISTRATOR

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Bylaw No. 9
Summer Village of Whispering Hills
Land Use Bylaw

Pursuant to the Planning Act, R.S.A. 1980, the Council of the Summer Village of Whispering Hills in the Province of Alberta duly assembled, hereby enacts as follows:

Part 1 General Administrative Procedures

1.1 Purpose

1. The purpose of this Bylaw is to control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, among other things:

   (a) to divide the municipality into districts;

   (b) to prescribe and regulate for each district the purposes for which land and buildings may be used;

   (c) to establish the office of one or more development officers;

   (d) to establish a method of making decisions on applications for development permits including the issuing of development permits;

   (e) to provide the manner in which notice of the issuance of a development permit is to be given.

1.2 Control of Development

1. No development other than that designated in Section 1.3 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

1.3 Development Not Requiring a Development Permit

1. The following development shall not require a development permit:

   (a) the carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation;

   (b) the completion of a building which was lawfully under construction at the date of the first publication of the official notice required by the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the

conditions to which such permit was granted and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve months from the said date of the first publication of the official notice;

(c) the use of any such buildings as is referred to in Section 1.3.1 (b) for the purpose for which construction was commenced;

(d) the erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 3 feet (.91m) in height in front yards and less than 6 feet (1.83m) in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, walls or other means of enclosure;

(e) a temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw;

(f) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.

1.4 Non-Conforming Buildings & Uses

1. A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provisions of the Land Use Bylaw then in effect.

2. A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.

3. A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.

4. A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:

   (a) as may be necessary to make it a conforming building; or
   (b) as the Development Officer considers necessary for the routine maintenance of the building.

5. If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.

6. The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

1.5 Development Approval Authority

1. The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

2. The Development Officer:

   (a) shall administer this Bylaw and receive, consider and decide upon all development permit applications;

   (b) shall keep and maintain for the inspection of the public during reasonable hours a copy of this Bylaw and all amendments thereto and ensure that copies of same are available to the public at a reasonable charge;

   (c) shall make available for inspection by the public a register of all applications for development permits and the decisions made thereon;

   (d) shall collect fees according to a scale to be established by Council;

   (e) shall be declared to be an authorized person of Council pursuant to Section 43 of the Planning Act.

Part 2 Development Application Process

2.1 Application for Development

1. An application for a development permit shall be made to the Development Officer in writing on Form A and shall be accompanied by:

   (a) a site plan in duplicate showing the legal description and the front, rear, and side yards, if any, and any provision for off-street loading and vehicle parking and entrance and exit points to the site;

   (b) floor plans and elevations and sections in duplicate;

   (c) a statement of uses;

   (d) a statement of ownership of land and interest of the applicant therein;

   (e) the estimated commencement and completion dates;

   (f) the estimated cost of the project or contract price;

   (g) any other information as required by the Development Officer.

2. Each application for a development permit shall be accompanied by a fee of $10.00.

2.2 Decision Process

1. In making a decision the Development Officer may approve the application unconditionally, or impose conditions considered appropriate, permanently or for a limited period of time or refuse the application.

2. Council may require with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of public roadways or parking areas, to install or pay for the installation of utilities, or to pay an off-site levy or redevelopment levy imposed by bylaw.

3. In the case where an application for a development permit has been refused pursuant to this PART or ultimately after appeal pursuant to PART 3 of this Bylaw, the Development Officer may refuse to accept for consideration on the same property and for the same or similar use of the land, by the same or any other applicant, a further application for a development permit for at least 6 months after the date of the previous refusal.

4. In the case where a proposed specific use of land or a building is not provided for in any district in the Bylaw, the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.

5. The Development Officer may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Development Officer:

   (a) the proposed development would not

      (i) unduly interfere with the amenities of the neighbourhood; or

      (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and

   (b) the proposed development conforms with the use prescribed for the land or building in the Bylaw.

   (c) the Development Officer may allow only minor variances where site constraints or other factors prevent the developer from meeting the standards of the Bylaw.

6. An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made on it by the Development Officer within 40 days after receipt of the application by the Development Officer. The person claiming to be affected may appeal in writing as provided for in PART 3 of this Bylaw as though he has received a refusal at the end of the period specified in this subsection.

2.3 Development Permits & Notices

1. A permit granted pursuant to this PART does not come into effect until 15 days after the date an order, decision or development permit is publicized, as described in subsection (3) and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

2. Where an appeal is made pursuant to PART 3 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.

3. When a permit has been issued the Development Officer shall:

   (a) immediately post a notice of the decision conspicuously on the property for which the application has been made; and/or

   (b) immediately mail a notice in writing to all adjacent land owners who in the opinion of the Development Officer may be affected; and/or

   (c) immediately publish a notice in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.

4. If the development authorized by a permit is not commenced within 12 months from the date of its issue, or carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Officer.

5. A decision of the Development Officer on an application for a development permit shall be given in writing and a copy of it sent to the applicant.

6. When the Development Officer refuses an application for a development permit, the decision shall contain reasons for the refusal.

Part 3 Development Appeal Process

3.1 Appeal Procedure

1. An appeal may be made to the Development Appeal Board where a Development Officer:

   (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application;

   (b) issues a development permit subject to conditions;

   (c) issues an order under PART 5 of this Bylaw.

2. The person applying for the permit or affected by the order, under Section 3.1.1, or any other person affected by an order, decision or development permit of a Development Officer may appeal to the Development Appeal Board.

3. An appeal shall be made by serving a written notice of appeal to the Secretary of the Development Appeal Board within 14 days after:

   (a) the date the order, decision or permit issued by the Development Officer was publicized; or

   (b) the 40 day period referred to in Section 3.1.1(a) has expired.

3.2 Public Hearing

1. Within 30 days of receipt of a notice of appeal, the Development Appeal Board shall hold a public hearing respecting the appeal.

2. The Development Appeal Board shall give at least 5 days notice in writing of the public hearing to:

   (a) the appellant;

   (b) the Development Officer from whose order, decision or development permit the appeal is made;

   (c) those adjacent land owners who were notified under Section 2.3.3(b) and any other person who in the opinion of the Development Appeal Board, are affected by the order, decision or permit; and

   (d) such other persons as the Development Appeal Board specifies.

3. The Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:

   (a) the application for the development permit, its refusal and the appeal therefrom; or

   (b) the order of the Development Officer under Section 5.1.1, as the case may be.

4. At the public hearing referred to in Section 3.2.1 the Board shall hear:

   (a) the appellant or any person acting on his behalf;

   (b) the Development Officer from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person;

   (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and

   (d) any other person who claims to be affected by the order, decision or permit and that the Development Appeal Board agrees to hear or a person acting on his behalf.

3.3 Decision

1. The Development Appeal Board shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the hearing.

2. A decision made under this Part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Planning Act. An application for leave to appeal to the Appellate Division of the Supreme Court of Alberta shall be made:

   (a) to a judge of the Appellate Division; and

   (b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

Part 4 Bylaw Amendment Process

4.1 Application to Amend Bylaw

1. A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required.

2. Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to initiate an application therefore.

3. All applications for amendment to the Land Use Bylaw shall be made to the Council on Form G and shall be accompanied by the following, namely:

   (a) an application fee of $200.00 for each application, but if the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee be returned to the applicant;

   (b) a certificate of search of the land affected or other documents satisfactory to the Development Officer including the applicant's interest in the said land;

   (c) all drawings required to be submitted shall be drawn on standard drafting material to the satisfaction of the Development Officer and shall be fully dimensioned, accurately figured, explicit and complete;

   (d) any other information deemed necessary by the Development Officer.

4. Council, during deliberation of the Bylaw amendment application, may refer the application to such agencies as it considers necessary for comment.

4.2 Public Hearing

1. All amendments to this Bylaw shall be made by Council by bylaw and in conformance with the requirements of the Planning Act regarding the holding of a public hearing.

Part 5 Bylaw Enforcement

5.1 Contravention & Penalties

1. Where the Development Officer finds that a development or use of land or buildings is not in accordance with:

   (a) the Planning Act or the regulations; or

   (b) a development permit or subdivision approval; or

   (c) the Land Use Bylaw;

   the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:

   (i) stop the development or use of the land or buildings in whole or in part as directed by the notice; or

   (ii) demolish, remove or replace the development; or

   (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Planning Act, the regulations, a development permit, subdivision approval or this Bylaw as the case may be.

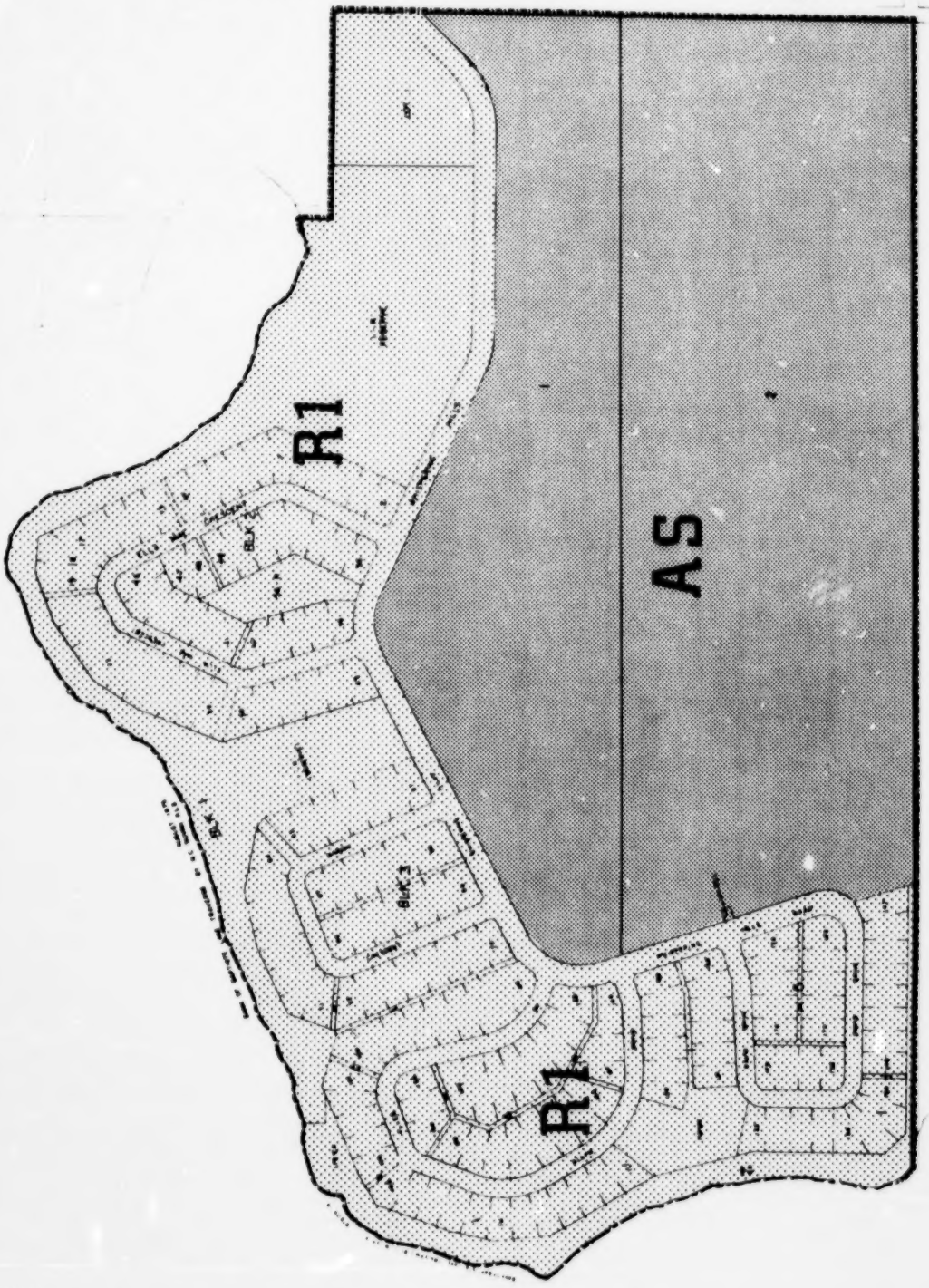
2. Where a person fails or refuses to comply with an order directed to him under Section 5.1(1) or an order of the Development Appeal Board within the time specified, Council or a person appointed by it may, in accordance with the Planning Act, enter upon the land or building and take such action as is necessary to carry out the order.

3. Where Council or a person appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on the land.

4. A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine not exceeding $500.00, exclusive of costs.

5. The Development Officer may suspend or revoke a development permit which has not been complied with.

Part 6
Land Use District Map



Part 7 Land Use Districts – Uses and Regulations

7.1 Establishment of Land Use Districts

1. For the purpose of this Bylaw the Summer Village of Whispering Hills consists of the following districts:

   R1 - Residential District
   AS - Agricultural Small Holding District

2. The boundaries of these districts are as shown in PART 6, LAND USE DISTRICT MAP.

7.2 R1 – Residential District

1. Permitted Uses
   (a) One Family dwellings
   (b) Public parks
   (c) Buildings and uses accessory to the above uses.

2. Discretionary Uses
   (a) Mobile homes
   (b) Boat launching and docking facilities
   (c) Guest houses
   (d) Home occupations
   (e) Other similar uses as approved by the Development Officer

3. Regulations
   (a) Minimum Lot Size
      (i) One Family Dwellings and Mobile Homes
      Minimum Lot Width - 100 feet (30.48m)
      Minimum Lot Area - 20,000 square feet (1858 sq. m.)
      (ii) Development on existing lots which do not meet the minimum lot size requirements may be permitted by the Development Officer.
      (iii) All other uses - as determined by the Development Officer
   (b) Minimum Floor Area
      (i) One Family Dwellings - 500 square feet (46.45 sq. m.) on ground floor
      (ii) Mobile Homes - 500 square feet (46.45 sq. m.) excluding attached porches
      (iii) All other uses - as determined by the Development Officer
   (c) Minimum Yard Dimensions
      (i) One Family Dwellings and Mobile Homes
      Front Yard - The front yard shall be at the discretion of the Development Officer who shall have due regard to the amenities of the district, however in no case shall a setback of less than 20 feet (6.10 m) be permitted.

Side Yard - 10 percent of the lot width, however in no case shall the sideyard be less than 10 feet (3.05 m).
In the case of a corner lot:

1. where a building fronts on the street, the sideyared abutting the flanking street shall not be less than 20 percent of the lot width, but need not exceed 20 feet (6.10 m); and
2. where a building fronts on the flanking street, the side yard abutting the flanking street shall not be less than 20 feet (6.10m).

Rear Yard - 25 feet (7.62m)

(ii) All other uses - as determined by the Development Officer.

(d) Maximum Height

(i) One Family Dwelling - The maximum height shall not exceed 24 feet (7.32 m) nor 2 1/2 storeys.

(ii) All other uses - as determined by the Development Officer.

(e) Maximum Site Coverage

(i) The combined coverage of the main building and accessory buildings shall not exceed 35 percent of the lot.

4. Keeping of Animals
No apiary, fur bearing animals, fowl or livestock other than domestic pets may be kept within this district.

7.3 AS – Agricultural Small Holding District

1. Permitted Uses
   (a) One Family dwellings
   (b) Mobile homes
   (c) Cultivation, including market gardening and growing of small fruits
   (d) Accessory buildings and uses

2. Discretionary Uses
   (a) Keeping of bees, rabbits or other similar uses which in the opinion of the Development Officer will not adversely affect the amenities of the district
   (b) Institutional, public and quasi-public uses
   (c) Accessory buildings and uses

3. Regulations
   (a) Minimum Lot Size - 20 acres (8.09 ha)
   (b) Height - the maximum height of buildings shall not exceed 35 feet (10.67m), unless otherwise approved by the Development Officer
   (c) Minimum Yard Dimensions
      (i) All uses
      Front Yard - 25 feet (7.62m)
      Side Yard - 15 feet (4.57m)
      Rear Yard - 25 feet (7.62m)
      The Development Officer may at his discretion permit accessory buildings to be located within the side or rear yards.

Part 8 Land Use Regulations

8.1 Subdivision of Land

1. Where the development of land involves a subdivision of land, no development permit shall be issued until the application has been submitted to the Director of Planning and written evidence received by the Development Officer that the necessary subdivision has the approval of the Director of Planning.

8.2 Fences, Walls and Hedges

1. No fence, wall or hedge in a residential district shall be:

   (a) Higher than 6 feet (1.83m) in side yards and rear yards to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw.
   (b) Higher than 3 feet (.91m) in front yards, except in the case of more than one yard fronting onto a street, each yard shall be deemed to be a front yard for the purpose of this section.
   (c) Higher than 3 feet (.91m) within 20 feet (6.10m) of the intersection of lanes, streets, or a street and lane.

8.3 Site Development

1. In considering a development permit application the Development Officer may impose conditions requiring the retention of trees or additional planting of such type and extent that is considered necessary.
2. The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs and any reconstruction shall be to the satisfaction of the Development Officer in order that there shall be general conformity in such matters with adjacent buildings.

8.4 Driveways

1. A development permit shall be required for a new driveway and any such driveway shall have a minimum width of 14 feet (4.27m).

8.5 Objects Prohibited or Restricted in Yards

1. No person shall keep or permit in any part of a yard in any residential district:

   (a) Any dismantled or wrecked vehicle for more than 14 successive days;
   (b) Any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district;
   (c) Any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

(d) A commercial vehicle loaded or unloaded of a maximum weight in excess of 9000 lbs (4082.40 kg.);
(e) A commercial vehicle or recreational vehicle to remain in the front yard of lakefront lots.

8.6 Yards

1. Except as provided for in Section 8.8 no accessory building, shall be located in the front yard of a residential use.
2. If fireplaces or balconies are included, yard requirements shall be measured from the leading edge of the fireplace or balcony.

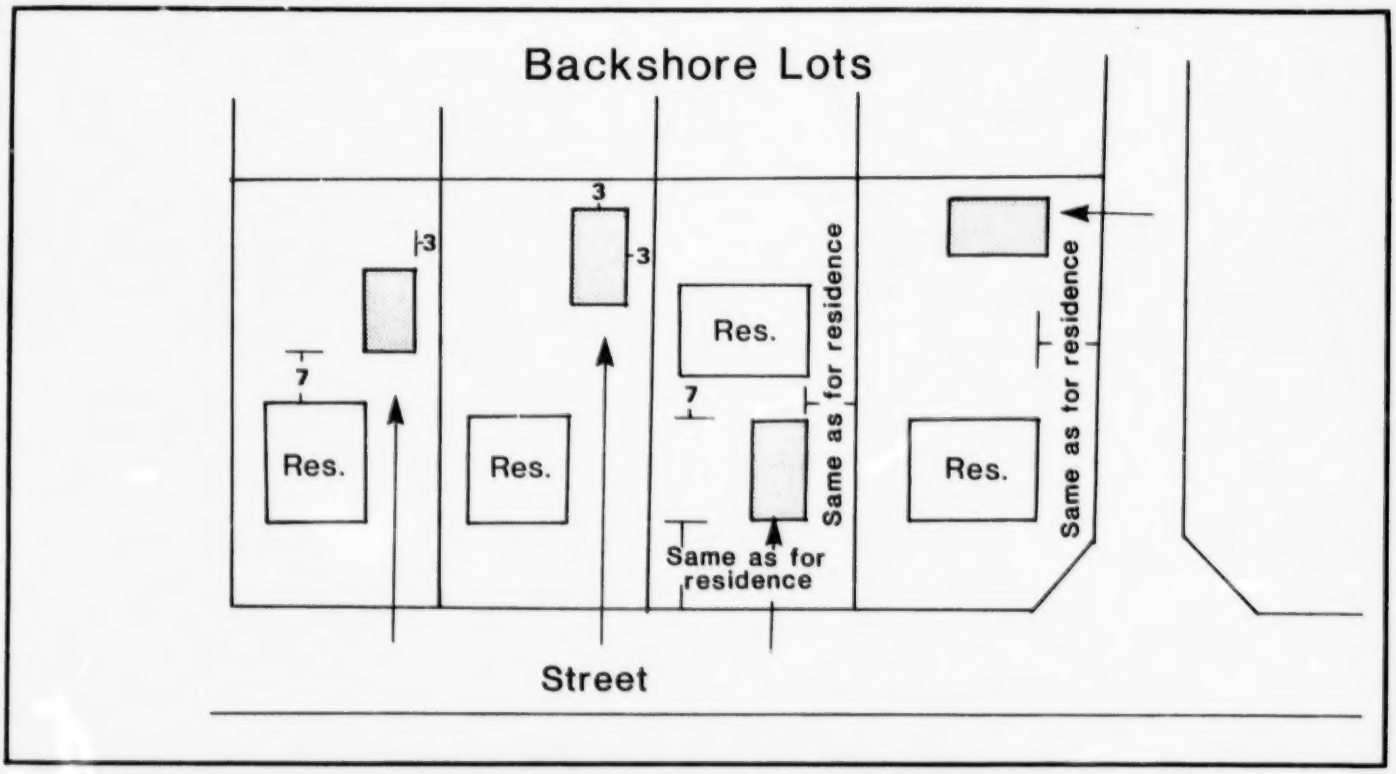
8.7 Corner Sites

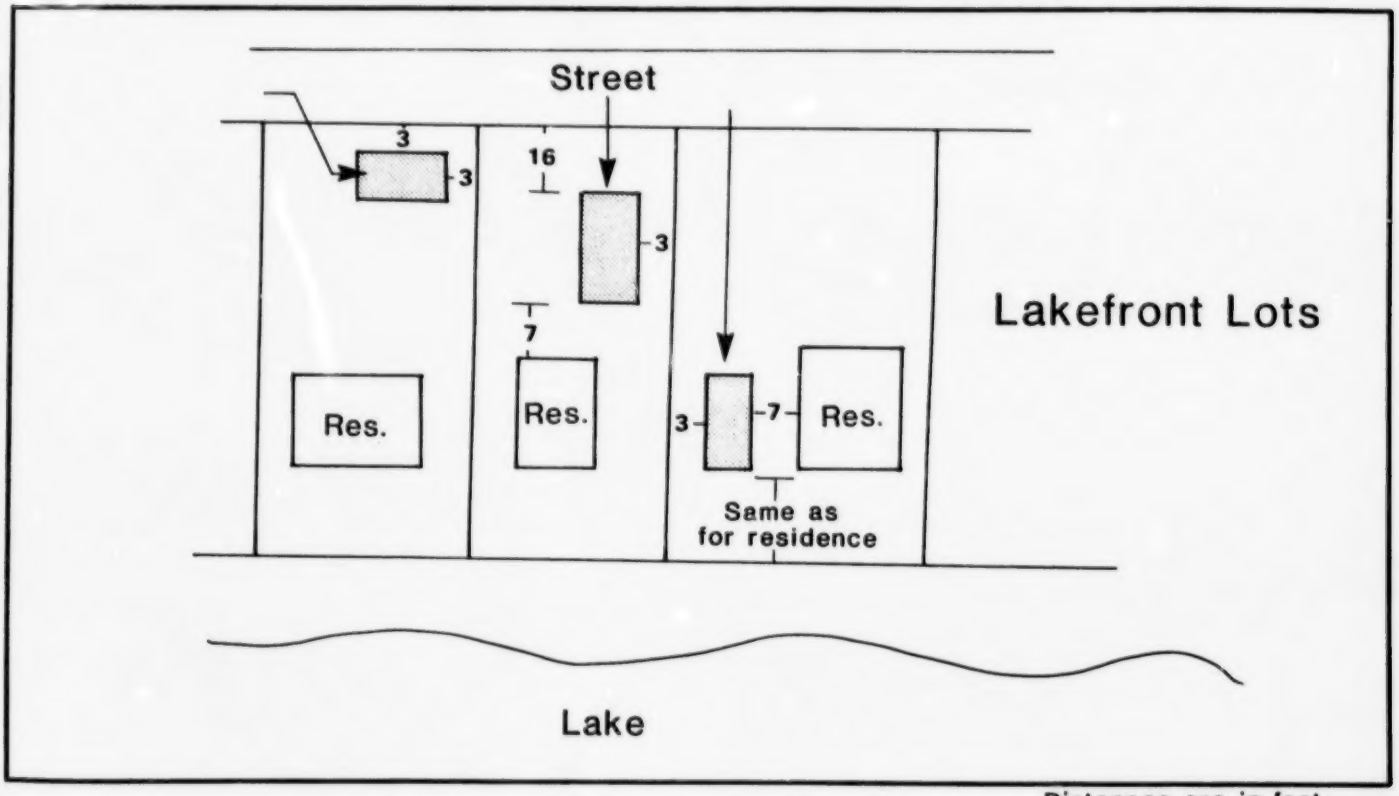
1. On corner sites in a residential district, no fence, wall, tree, bush, structure or thing more than 3 feet (.91m) in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining points on the street 20 feet (6.10m) from their intersection.
2. On corner sites in all Districts other than Residential Districts, no fence, wall, tree, bush, structure or thing more than 3 feet (.91m) in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines 15 feet (4.57m) from their intersection.

8.8 Accessory Buildings

1. An accessory building shall not be used as a dwelling.
2. The siting of an accessory building shall be in accordance with the figures shown on the following page.
3. The siting of an accessory building on an irregular shaped parcel shall be as approved by the Development Officer.
4. An accessory building shall not be located in the front yard of a lakefront lot. In the case of backshore lots, a garage may be permitted in the front yard provided it is not located within the required minimum front yard or sideyard setbacks for the principal building.
5. An accessory building shall not be located closer than 7 feet (2.13m)to a main building.
6. The height of an accessory building shall not exceed 15 (4.57m)feet nor one storey.
7. Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building and is not an accessory building.
8. The total area of the accessory building shall not exceed 12 percent of the site area.
9. A boat house may be erected in the front yard of a lot that abuts the lakeshore providing that it does not restrict the view of the Lake of other property owners.
10. An outside privy shall be located at the rear of the site no closer than 10 feet (3.05m) from the boundary of the street or lane and 3 feet (.91m) from any other property line or to the satisfaction of the Development Officer.

Siting of Accessory Buildings





Distances are in feet

8.9 Signs

1. Advertising signs not more than 6 square feet (.56 sq. m.) in area pertaining to the sale of real property may be erected to the satisfaction of the Development Officer on the site to which they relate provided that not more than one such sign is located on any one site.
2. Directional signs may be erected subject to the approval of the Development Officer.

8.10 Drainage Ditches

1. In this section"owner" or "occupant" have same meaning as in The Drainage Districts Act.
2. Council may cause construction of a ditch or drainage ditches, when and where such construction of drainage ditches benefits land in addition to the road or highway for which such ditch or drainage ditch was built.
3. Where a ditch or drainage ditch becomes obstructed by dams, fences, plant overgrowth, driveways (municipal or private), or by the owner or occupant in possession of the land where obstruction occurs so that the free flow of water and/or natural water runoff is impeded thereby, the person owning the land or occupying the land, upon reasonable notice in writing given by the municipal administrator, shall remove the obstruction at his or her own expense.
4. Should obstruction in a drainage ditch be in form of driveways, private road or access, into or from a public street, lane, or highway, the Council, on recommendation of the Development Officer or his consultants or by written request and on approval by Council, shall perform new drainage works affecting existing obstructions, and may proceed to develop drainage ditches for free water flow by the use of drainage pipes or culverts and reconstruct said driveways to conform to all Summer Village of Whispering Hills bylaws and applicable acts. The Administrator/Development Officer shall notify aojoining owners or occupants in writing, a minimum of 14 days prior to commencement of the said drainage works. The cost incurred for developing drainage works, maintenance thereto, shall be borne by the Summer Village of Whispering Hills.
5. If the obstruction referred to in subsection (2) is not removed within the specified time in the notice, Council shall forthwith cause the obstruction to be removed and the cost of removing it, shall be paid by the owner or occupant, to the Summer Village of Whispering Hills after completion of work. Should the owner default in payment, the cost or removal of the obstruction plus the 10 percent added thereto shall be collected and assigned to and with the property taxes.

8.11 Home Occupations & Professional Offices

1. All development permits issued for home occupations and professional offices shall be revocable at any time by the Development Officer, if in the Development Officer's opinion, the use is or has become detrimental to the amenities of the neighbourhood.

8.12 Mobile Homes

1. Mobile homes shall have Canadian Standard Association Certification.

2. The hitch and wheels are to be removed from the mobile home.

3. All mobile homes shall be placed on a permanent foundation or base. The mobile home is to be attached by means of bolting or otherwise to the foundation or base.

4. All accessory structures, such as patios, porches, additions and skirtings, shall be:
   (a) factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the mobile homes, and
   (b) considered as part of the main building, and
   (c) erected only after obtaining a Development Permit.

5. A mobile home unit shall be skirted from the floor level to the ground level and shall match the existing external finish of the mobile home.

6. The floor area of porches and additions shall be proportionate to the floor area of the mobile home unit and this relationship shall be determined by the Development Officer.

8.13 Water/Sanitary Services

Water supply and sewage disposal provisions shall be made in conformance with the requirements of the authority having jurisdiction.

8.14 Moved-in Buildings

1. Any person who wishes to place on a lot a building which has previously been erected or placed on a different lot shall:
   (a) make the usual application for a development permit; and
   (b) provide photographs of the building showing each elevation and the general condition of the building; and
   (c) state the present location and use of the building
2. The Development Officer may inspect the building to determine its suitability for the proposed use.
3. The Development Officer may require that certain works of structural alterations, repairs or maintenance of the building be carried out as a condition of the issue of a development permit.

8.15 Recreational Vehicles

1. Recreational vehicles may be maintained on a site provided:
   (a) not more than two such units are located on a vacant lot at any one time for longer than 21 consecutive days;
   (b) not more than one such unit is located on a developed lot for longer than 21 consecutive days;
   (c) they are located on the site in a manner satisfactory to the Development Officer.
2. No exceptions will be made to the foregoing unless written permission is received from the Development Officer.

Part 9 Definitions

9.1 For the purposes of the interpretation of this Bylaw:

1. "Act" means the Planning Act, R.S.A. 1980, as amended;

2. "accessory building" or "accessory use" means a building or use which is incidental to the main building or use and is located on the same parcel of land;

3. "building" includes any thing constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;

4. "Council" means the Council of the Summer Village of Whispering Hills;

5. "development" means
   (a) an excavation or stockpile and the creation of either of them, or
   (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
   (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
   (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

6. "development appeal board" means a development appeal board appointed pursuant to Section 33 of the Act;

7. "development officer" (DO) means a person appointed as a development officer pursuant to a resolution of Council;

8. "development permit" means a document authorizing a development and issued pursuant to this Land Use Bylaw;

9. "discretionary use" means the use of land or a building provided for in a land use bylaw for which a development permit may be issued upon an application having been made;

10. "dwelling" means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level and includes multiple dwellings, apartments, lodging and boarding houses, but does not include mobile homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation;

11. "dwelling unit" means a complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separated or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms;

12. "front yard" means a yard extending across the full width of a parcel from the front line of the parcel to the front wall of the main building situated on the parcel. In the case of lake front properties the front yard is the area between the main building and the lake side lot line.

13. "guesthouse" means a separate building on a private estate used for the accommodation of guests, but not containing cooking or toilet facilities;

14. "home occupation" means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate, not exceeding 2 square feet (.19 sq. m.) in area. A home occupation does not include the keeping of a stock in trade, nor the employment of paid assistants.

15. "institutional use" includes but is not limited to public offices, churches, educational facilities, libraries;

16. "lot" means
    (a) a quarter section,
    (b) a river lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in a land titles office,
    (c) a settlement lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in a land titles office,
    (d) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
    (e) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision;

17. "main building" means a building in which is conducted the main or principle use of the site on which it is erected;

18. "mobile home" means a structure whether ordinarily equipped with wheels or not that is manufactured to be moved from one point to another by being towed or carried and which provides year round living accommodation for one or more persons and can be connected to utilities;

19. "modular unit" means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular unit represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling units for year-round occupancy;

20. "municipality" means the Summer Village of Whispering Hills;

21. "non-conforming building" means a building
    (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and

    (b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use bylaw;

22. "non-conforming use" means a lawful specific use
    (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw or any amendment thereof affecting the land or building becomes effective, and
    (b) that on the date the land use by-law or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;

23. "parcel" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

24. "permitted use" means the use of land or a building provided for in a land use bylaw for which a development permit shall be issued upon an application having been made;

25. "public or quasi-public use" means a use which is proposed for public administration and services and shall also include uses for the purpose of assembly, instruction, culture, community activities and also includes cemeteries;

26. "public utility building" means a building as defined in the Municipal Government Act in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with the public utility;

27. "rear yard" means a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear line of the parcel;

28. "recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle;

29. "side yard" means a yard extending from the front wall of the main building situated on a parcel to the rear wall of the main building and lying between the side line of the parcel and the side wall of the main building;

30. "yard" means a part of a parcel upon or over which no main building is erected;

and all other words and expressions have the meanings respectively assigned to them in the Act.

Forms

FORM A

SUMMER VILLAGE OF WHISPERING HILLS

APPLICATION FOR A DEVELOPMENT PERMIT

Fee: $10.00 Application No:

I/We hereby apply for a development permit for the use noted below and in accordance with the accompanying plans and supporting information.

Applicant:_____

Address:_____ Telephone:_____

Registered owner of land:_____

Address:_____ Telephone:_____

Address of property to be developed:_____

Lot_____ Block_____ Registered Plan No._____

Existing use of property:_____

Proposed use of property:_____

Lot Location: Interior_____Corner_____

Lot Type: Lakefront_____Backshore_____

Lot Width:_____ Lot Length:_____ Lot Area:_____

Proposed Yard Setbacks: Front:_____ Side:_____ Rear:_____

Floor Area:_____ Percentage of Lot Occupied:_____

Accessory Use Proposed:
Percentage of Lot Occupied: Height of accessory building:
Setback from Side Lot Line: Setback from Rear Lot Line:

Estimated commencement date:_____Estimated completion date:_____

Estimated cost of project or contract price:_____

Interest of Applicant if not owner of property:_____

Signature of Applicant:_____ Date:_____

* Note: A site plan must be attached to this application showing the location of existing and proposed buildings on th land in accordance with Section 2.1 of the Land Use Bylaw.

FORM B

SUMMER VILLAGE OF WHISPERING HILLS

NOTICE OF DECISION ON DEVELOPMENT PERMIT

Application No: Permit No.

You are hereby notified that your application for development involving_____

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has been:

APPROVED

APPROVED SUBJECT TO THE CONDITIONS ATTACHED

Date of Decision:_____ Date of Issue of this Permit:_____

Signature of Development Officer:_____

NOTE:

1. The issuance of a Development Permit in accordance with the notice of decision is subject to the condition that it does not become effective until 15 days after the date the order, decision or development permit is issued.
2. The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Officer may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after notice of the decision is given. Should an appeal be made against this decision to the Development Appeal Board, the development permit shall be null and void.
3. A permit issued in accordance with the notice of decision is valid for a period of 12 months from the date of issue. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.
4. Lot owners within the Whispering Hills Phase II development (Registered Plan No. 7922887) are asked to take note of the conditions of the Restrictive Covenant which is registered on their certificate of title.

FORM C

SUMMER VILLAGE OF WHISPERING HILLS

NOTICE OF DECISION ON DEVELOPMENT PERMIT

Application No.

You are hereby notified that your application for development involving_____

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has been REFUSED for the following reasons:

Date of Decision:_____ Date of Issue of this Notice:_____

Signature of Development Officer:_____

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of Part 3 of this Bylaw. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Development Appeal Board not later than 14 days following the date of issue of this notice. The notice of appeal shall contain a statement of the grounds of appeal.

FORM D

SUMMER VILLAGE OF WHISPERING HILLS

NOTICE OF DECISION OF DEVELOPMENT OFFICER

Application No. Permit No.

This is to notify you with respect to a decision of the Development Officer whereby a development permit has been issued authorizing the following development:_____

_____

_____

Address of property_____

Lot_____ Block_____ Registered Plan_____

or Certificate of Title_____

Date of Decision_____

The Land Use By-law provides that any person claiming to be affected by a decision of the Development Officer may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after notice of the decision is given.

FORM E

SUMMER VILLAGE OF WHISPERING HILLS

NOTICE OF APPEAL HEARING

Application No. Permit No.

This is to notify you that an appeal has been made to the DEVELOPMENT APPEAL BOARD against a decision in respect of Application No._____ which involves development described as follows:

APPROVED
The decision APPROVED WITH CONDITIONS a development permit for the following
REFUSED
reasons:

PLACE OF HEARING:_____

TIME OF HEARING:_____

DATE OF HEARING:_____

Any persons affected by the proposed development have the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Persons requiring to be heard at the meeting shall submit the written briefs to the Secretary of the Development Appeal Board not later than _____

_____ _____

DATE SIGNATURE of Secretary
Development Appeal Board

FORM F

SUMMER VILLAGE OF WHISPERING HILLS

NOTICE OF APPEAL DECISION

Application No. Permit No.

This is to notify you that an appeal against the APPROVAL / APPROVAL WITH CONDITIONS / REFUSAL of a development permit with regard to the following:

was considered by the DEVELOPMENT APPEAL BOARD ON_____ 19_____ and the decision of the DEVELOPMENT APPEAL BOARD with regard to the appeal is as follows and for the following reasons:

DATE

SIGNATURE of Secretary
Development Appeal Board

Note:
A decision of the Development Appeal Board is final and binding on all parties and persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Planning Act. An application for leave to appeal to the Appellate Division of the Supreme Court of Alberta shall be made:
(a) to a judge of the Appellate Division, and
(b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

FORM G

SUMMER VILLAGE OF WHISPERING HILLS

APPLICATION FOR AMENDMENT TO THE LAND USE BYLAW

FEE: $200.00 Application No.

I/We hereby make application to amend the Land Use Bylaw.

Applicant: Name_____ Telephone_____

Address_____

Owner of Land: Name_____ Telephone_____

Address_____

Land Description: Lot_____ Block_____ Registered Plan_____

Certificate of Title_____

Amendment Proposed

FROM_____

TO_____

Reasons in support of Application for Amendment

Date_____ Signed_____

POOR

QUALITY

ORIGINAL